

Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

FOR OFFICIAL USE
CABLE ADDRESS
GOV. NMI SAIPAN
REPLY TO:

DEPT. of ACTIVITY

SEP 7 1983

The Honorable Olympio T. Borja
President of the Senate
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

GOV. COMM. NO. 123
(House of Rep.)

and

The Honorable Benigno R. Fitial
Speaker, House of Representatives
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

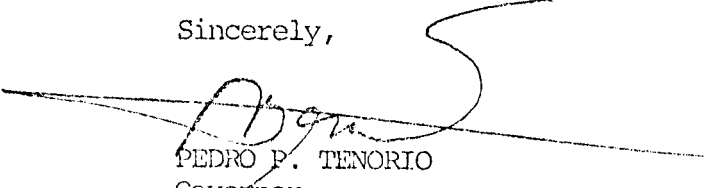
Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 3-67, H.D.1, entitled, "To provide for the transfer of title in real property homesteaded during a marriage to a surviving spouse, and for other purposes," which was passed by the Third Northern Marianas Commonwealth Legislature.

This measure becomes Public Law No. 3-74. Copies bearing my signature are forwarded for your reference.

Attached also is a letter from the Executive Director of the Marianas Public Land Corporation in which he raises concern regarding the failure of the bill to include homesteads acquired under Public Law No. 1-42. I understand that this concern has been discussed with the Senate Legal Counsel and an amendment had been agreed upon. Please review and take appropriate action.

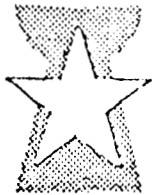
Sincerely,


PEDRO P. TENORIO
Governor

Attachments

CC: Special Assistant for Programs and Legislative Review

RECEIVED: 9/7/83 11:10 am
BY: Rosario



1. DSA
2. SAA
3. L. Gov.
4. Gov.

Marianas Public Land Corporation

P.O. Box 380
Saipan, CM 96950

August 9, 1983

The Hon. Pedro P. Tenorio
Governor
Commonwealth of the NMI
Saipan, CM 96950

Dear Governor Tenorio:

A flaw noticeable in the Marital Homestead Title Act of 1983 which has passed both houses of the Legislature is failure to include homesteads acquired through Public Law 1-42. The proposed legislation deals mainly with homesteads acquired pursuant to 67 T.T.C., §206.

A second flaw is the failure to take into consideration rights of children of the grantee spouse. The legislation allows for surviving spouse to acquire title to marital homestead property. When title passes to the surviving spouse, consequentially, tna children take nothing. The surviving spouse may remarry and other children may be borne by the new marriage. The interests of the children of the grantee spouse are without any protection under the proposed legislation.

Section 6 reads: "Nothing in this Act shall be construed as affecting any rights in any homestead property which is not encompassed within the terms of this Act." When the surviving spouse acquires title to the property, the result is he or she takes complete title. While Section 6 might say rights of the children of the grantee spouse may not be affected, consequentially, no rights to the marital homestead property do exist once a transfer has been made to the surviving spouse.

We have contacted the Chief Counsel of the Senate expressing our two concerns above. Essentially, we have agreed that an amendment is necessary, specifically to include P. L. 1-42 in the proposed legislation and to provide provisions assuring protection to children of the grantee spouse by insertion into Section 6 language to the effect.

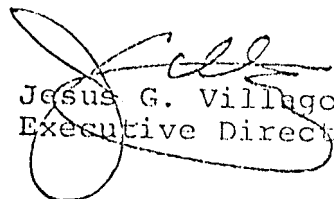
Handwritten notes:
see 8/10/83
LCS

The Hon. Pedro P. Tenorio
Page 2
August 9, 1983

The problem dealing with the right of children could be best handled by enacting an intestate law. But until such that an intestate law is passed, we agree that the alternative is to make into law the proposed legislation with the proposed amendment.

Thank you for giving us the opportunity to review the proposed legislation before your signing it into law.

Sincerely,



Jesus G. Villagomez
Executive Director

Enclosure

/CS



Marianas Public Land Corporation

P.O. Box 380
Saipan, CM 96950

PROPOSED AMENDMENT

Section 6. Other Rights Not affected. Nothing in this Act shall be construed as affecting the rights of children of the grantee spouse in any homestead property. Title to the marital homestead property shall not pass to the surviving spouse, under this Act who born children from the marriage with the grantee spouse.

PUBLIC LAW NO. 3-74

S.B. NO. 3-67, II.D.1

THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 1983

AN ACT

To provide for the transfer of title in real property homesteaded during a marriage to a surviving spouse, and for other purposes,

Offered by Senators Olynipio T. Borja, Julian S. Calvo, Ponciano C. Raza,
Ramon M. Dela Cruz, Benjamin T. Manglona, and Froilan C. Tenorio

Date: August 11, 1932

SENATE ACTION

Referred to: Committee on Resources, Economic Development and Program

Standing Committee Report No. 3-149

Second and Final Reading: September 29, 1982

Acceptance of House Amendments: July 21, 1983

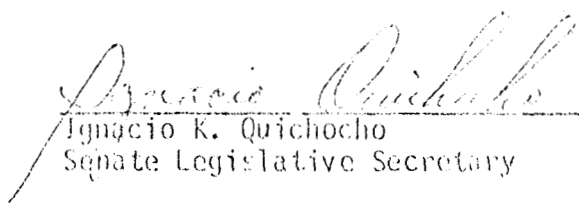
HOUSE ACTION

Referred to: Committee on Resources and Development

Standing Committee Report No. 3-116

First Reading: February 15, 1983

Second Reading: June 21, 1983



Ignacio K. Quichocho
Senate Legislative Secretary



The Senate
U. S. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P. O. Box 129
Saipan, CM 96950

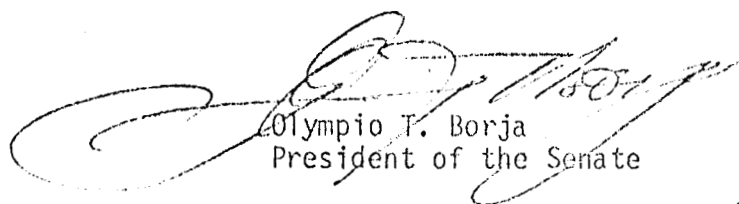


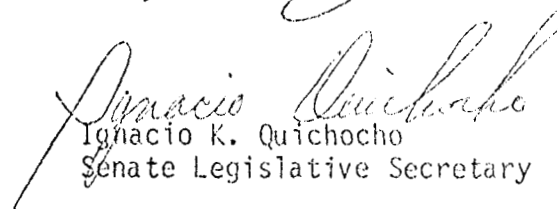
Phone: 6534/6539

CERTIFICATION

S.B. No. 3-67, H.D.1

We hereby certify that the foregoing Senate Bill passed *the Senate* and the House of Representatives of the Third Northern Marianas Commonwealth Legislature, Fourth Regular Session, 1983, on July 21, 1983, by a unanimous vote of the members, a quorum being present.


Olympio T. Borja
President of the Senate


Ignacio K. Quichocho
Senate Legislative Secretary

AN ACT

To provide for the transfer of title in real property homesteaded during marriage to a surviving spouse, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the "Marital
2 Homestead Title Act of 1983."

3 Section 2. Definitions. As used in this Act--

4 (a) "Certificate of Compliance" means certificates executed
5 pursuant to 67 TTC §208.

6 (b) "Certificate of Title" means those certificates of
7 title issued pursuant to 67 TTC §117.

8 (c) "Deed of Conveyance" means those deeds executed
9 pursuant to 67 TTC §208.

10 (d) "Grantee Spouse" means that spouse named as grantee
11 of marital homestead property in the Deed of Conveyance or
12 Certificate of Title.

13 (e) "Homestead Permit" means those permits issued pursuant
14 to 67 TTC §206.

15 (f) "Land Commission" means the Northern Mariana Islands
16 Land Commission.

17 (g) "Marital Homestead Property" means that real property
18 for which a Deed of Conveyance or Certificate of Title has been
19 issued, naming as the grantee or owner one spouse of a marriage,
20 if such marriage occurred at any time prior to the expiration of
21 the required homestead term.

1 (h) "Marriage" and "Married" means a marriage recognized
2 under applicable law.

3 (i) "Required Homestead Term" means that period of time, as
4 set forth in 67 TTC §202, or other applicable law, which is the
5 number of years which a homesteader is required to have complied
6 with homestead requirements prior to ~~the~~ issuance of a Certificate
7 of Compliance.

8 (j) "Surviving Spouse" means that spouse who survives a
9 grantee spouse and who was married to the grantee spouse prior
10 to the expiration of the required homestead term and who remain
11 married to the grantee spouse until the time of death of the
12 grantee spouse.

13 Section 3. Title Transfer Application. A surviving spouse may
14 file a Title Transfer Application with the Land Commission on a form
15 to be made available by the Land ~~Commission~~ which provides at least
16 the following information:

17 (a) The names of the grantee spouse and surviving spouse;

18 (b) The date of their marriage;

19 (c) The date and place of death of the grantee spouse;

20 (d) An affirmation that the grantee spouse and surviving
21 spouse were married at the time of death of the grantee spouse;

22 (e) A description of the marital homestead property;

23 (f) An affirmation **that**, to the knowledge **of** the surviving
24 spouse, the marital homestead property has *not* been sold or
25 otherwise conveyed to a third person;

1 (g) An affirmation that, to the knowledge of the surviving
2 spouse, the property is not subject to any mortgages; or, if it
3 is subject to any mortgage, the applicant shall attach an
4 authorization from the mortgagee consenting to the transfer of
5 title.

6 (h) A request that title in the marital homestead property
7 be transferred to the name of the surviving spouse.

8 Section 4. Duties of Land Commission. Upon receipt of a
9 Title Transfer Application, the Land Commission shall determine
10 that:

11 (a) The property in question is marital homestead
12 property; and

13 (b) The applicant is the surviving spouse of the grantee
14 spouse; and

15 (c) The property has not been conveyed to a third person;
16 then the Land Commission shall issue a new Certificate of Title
17 naming the surviving spouse as the owner of the property if a
18 Certificate of Title was previously issued naming the grantee
19 spouse as the owner, and, if no Certificate of Title had been so
20 issued, then the Land Commission shall issue an Amended Deed of
21 Conveyance naming the surviving spouse as the grantee. In each
22 case, the surviving spouse shall be deemed to possess all right,
23 title, and interest in the property which had theretofore been
24 possessed by the grantee spouse and surviving spouse, or either
25 of them.

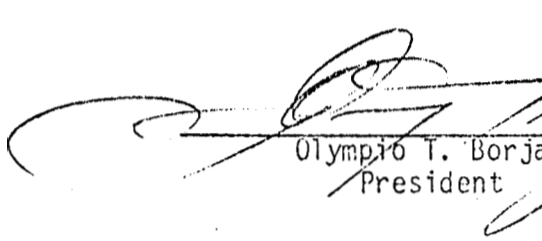
1 Section 5. Rights of Grantee Spouse who is the Survivor. A
2 grantee spouse of marital homestead property shall be deemed to possess
3 all right, title, and interest in the property which had theretofore
4 been possessed by either the grantee spouse, or his spouse, if the
5 grantee spouse is the survivor of the two.

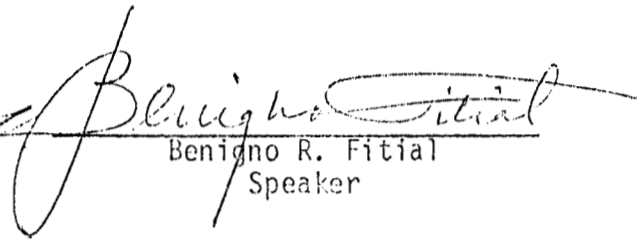
6 Section 6. Other Rights not Affected. Nothing in this Act shall
7 be construed as affecting any rights in any homestead property which is
8 not encompassed within the terms of this Act.

9 Section 7. Duties of Marianas Public Land Corporation. The
10 Marianas Public Land Corporation shall inspect all Homestead Permits
11 which it has issued and determine whether any holder of a Permit is
12 married. The Corporation shall notify each holder that he may file
13 an amendment to the Homestead Application naming both himself and his
14 spouse as homestead applicants. Therefore, each Certificate of
15 Compliance, Deed of Conveyance, and Certificate of Title shall be
16 issued in both persons' names, and the property shall be held jointly
17 with the right of survivorship. However, nothing in this Act shall
18 be construed as affecting any rights of a spouse whose name does not
19 appear in a Permit, Certificate, Deed, or other document issued by the
20 Marianas Public Land Corporation.

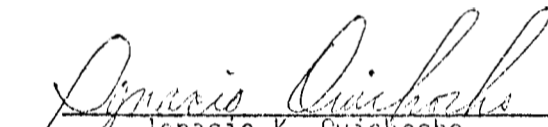
21 Section 8. New Homestead Permits. Each homestead permit issued
22 after the effective date of this Act shall be issued in the name of both
23 the applicant and his spouse if the Permit is issued in whole or in part
24 because the applicant is married, and the rights in each homestead shall
25 be deemed to be held jointly with the right of survivorship.

1 Section 9. Effective Date. This Act shall take effect upon
2 its approval by the Governor or upon its becoming law without such
3 approval.


Olympio T. Borja
President

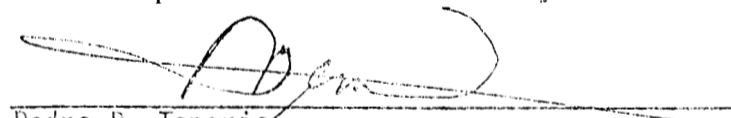

Benigno R. Fitial
Speaker

ATTEST :


Ignacio K. Quichocho
Senate Legislative Secretary


Herbert S. Del Rosario
Chief Clerk

September 7, 1983.


Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands